

ARTICLE 22

HD - HISTORIC DISTRICT

22-1 Designation and Intent

22-1.1 Designation. Districts may hereafter be created which are designated as Historic Districts (HD) within the definition of historic district as defined in the Code of Virginia Title 15.1, Chapter II, Article 1, Sec. 15.1-430(b), et seq. Said districts may be created by amendment of the Zoning Ordinance.

22-1.2 Intent. Pursuant to the provisions of Sec. 15.1-503.2, et seq., of the 1950 Code of Virginia, as amended, for the purpose of promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of those areas or individual structures and premises which have been or may be officially designated by the Town Council as having historic or architectural significance, historic districts are created. Regulations within such districts are intended to protect against deterioration, destruction of, or encroachment upon, such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in an appropriate manner; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

It is further the intent of this article that the Town Council along with the Planning Commission shall seek and obtain the advice and assistance of the Architectural Review Board, created herein, as well as other organizations or individuals qualified by interest, training, and experience in achieving the objectives set forth.

22-2 Creation and Composition of Architectural Review Board: Appointment, Term, Vacancies, and Powers:

22-2.1 Creation. For the general purposes of this article and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board" (ARB) to be composed of five (5) voting members. The members of said Architectural Review Board shall be appointed by the Town Council.

22-2.2 Membership. The Membership shall consist of five (5) members, a majority of which shall be residents of the Town, and all of whom have reasonable knowledge and have demonstrated an interest in historic or architectural development within the Town.

22-2.3 Terms. Members shall be appointed for a term of four (4) years. Initial appointments shall be three (3) members for four (4) years, and remaining members for two (2) years. The term of any Planning Commission Member shall be concurrent with his/her appointment to the Planning Commission.

22-2.4 Organization. The Board shall elect from its own membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves. The Board shall appoint a secretary who shall serve at their pleasure.

22-2.5 Rules. The Board shall meet in regular session at least once a month, whenever an application has been filed for their consideration. Special Meetings of the Board may be called by the Chairman or a majority of the members after twenty-four (24) hours written notice to each member served personally or left at his usual place of business or residence. Such notice shall state the time and place of a meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State of Virginia.

The Board shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing structure. Notice when required shall be the publication of the agenda in a newspaper of general circulation in the county seven (7) days prior to the meeting.

22-2.6 Powers and Duties. The Architectural Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, relocation, and signs within

the historic district, with right of direct appeal of an adverse decision to the Town Council as provided in Section 22-5.7.

In addition to the aforementioned duties and powers, the Board shall have the following duties:

1. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities, and signs.
2. To advise owners of historic landmarks or contributing structures on problems of preservation.
3. To propose additional historic districts.

In addition, the Board shall have the following powers:

1. To conduct studies deemed necessary by the Town Council or Planning Commission concerning additional districts, and means of preservation and utilization of historic assets in the Town.
2. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
3. To cooperate with and enlist assistance from the Virginia Historic Landmarks Commission, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town.

22-3 Historic District Boundaries Generally

22-3.1 Character. The Historic District Boundaries shall in general be drawn so as to include lands closely related to and bearing upon the character of the historic site or sites, thus providing a landscaped unit needed to control potentially adverse influences. Said boundary shall include land on both sides of a street or streets where desirable to accomplish the preservation objective. The concept of the historic district shall include groupings of structures which have significance relative to their patterns of development and/or interrelationships among such

structures, while some of the structures might not possess significant merit when considered alone.

22-3.2 Inventory of Landmarks and Contributing Properties Established. The Architectural Review Board shall prepare and recommend for adoption as a part of this Ordinance an inventory map based upon the criteria set forth in this Ordinance. This map, hereinafter called the inventory map, when adopted shall be as much a part of this Ordinance as if fully described herein and shall be filed as a part of this Ordinance by the Recorder of the Town of Warrenton. All structures or sites designated on said map as landmark structures or sites shall be considered as landmarks or landmark structures for the purposes of this Ordinance. Structures or sites designated as properties which contribute to the historic character of the Town but which do not contain landmark structures or sites shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. The inventory map may be amended from time to time in the same manner as the zoning district map.

22-3.3 Establishment of and Amendments to Historic District Boundaries and Regulations. The Architectural Review Board may propose to the Planning Commission and the Town Council such amendments as deemed appropriate, including the establishment of historic districts and revision to existing historic districts. Upon receipt of said proposal, the Town Council shall initiate such amendment pursuant to the Zoning Ordinance. The Architectural Review Board shall prepare and submit a report to substantiate the proposed amendment. Such report shall establish and define the historic district boundaries as defined upon an appropriate overlay map, as well as the historic and/or architectural significance of the buildings, structures, or sites to be protected; special characteristics, qualities and/or fabric to be preserved; and describe current planning, present trends, conditions, and desirable public objectives for preservation.

22-3.4 Criteria. Criteria for evaluating the merits of a given structure or space shall be based on architectural features as well as historic factors. Certain buildings or areas, although not associated with a historic personage or event, may be valuable examples of the Town's physical and cultural heritage. Structures of local significance shall be evaluated as well as those of State and National significance, and any structures individually listed upon the National Register of Historic Places or the Virginia Landmarks Register shall be designated upon the Town Register. In addition, such evaluation shall be based on the following specific matters:

A. Architectural and Landscape Style

The evaluation shall respect the qualities of each architectural and landscape style and shall judge a structure's merit on how well it exemplifies the distinguishing characteristics of said style.

Consideration will be given to:

1. Significance of architectural design.
2. Scale and/or interrelationships of structures and/or environmental features.
3. Significant patterns of development.
4. Quality of Workmanship.
5. Amount of surviving original fabric.
6. Original location and/or use.
7. Remaining outbuildings or dependencies.
8. Surrounding environment, including gardens, landscaping, and walks.
9. Aesthetic quality.
10. Original integrity of the structure and its details.

B. Historical and/or Cultural Significance

Structures or spaces relating to one or more of the following criteria will be considered historically or culturally valuable:

1. Association with historic personage.
2. Association with historic event.
3. Work of leading architect or master craftsman.
4. Site or structure of cultural significance.

In addition, sole or infrequent surviving building types and structures not historic in themselves but adding to the character of a historic district need to be looked at as potentially deserving preservation.

22-3.5 Additional Required Information. In addition to historical and architectural information, the aforementioned report of the Architectural Review Board required by paragraph 22-3.3 for amendments to the Ordinance shall include:

1. A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and

visually related to the district, with maps, photographs, and other data indicating the reasons for such an effect.

2. An analysis of lands not occupied by structures, including lands near and visually related to the district. For public lands, ownership, use, and location shall be indicated. For private lands, assessed valuation shall be added as well as existing zoning and planned land use.
3. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth herein, which may include principal and accessory uses and structures, minimum lot and yard requirements, maximum lot coverage by all buildings, maximum height of structures, off-street parking and loading requirements, control of signs and exterior illumination, and control of integral facade changes to existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the buildings, structures, or sites to be preserved.

22-3.6 Action by the Town Council. The creation of a historic district by the Town Council shall include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical and/or architectural significance requiring protection against destruction or encroachment; that the designation of individual structures and premises is in substantial public interest; and that such recommendations as approved by the Town Council supplementing or modifying general regulations are to be applied to the district created.

22-4 District Regulations

Within the Historic District the following regulations shall apply:

22-4.1 Certain Minor Actions Exempted From Review By The Architectural Review Board. Certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Architectural Review Board. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

1. Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)
2. Replacement of missing or broken window panes, roofing slates, tiles, or shingles and except on landmark structures outside doors, window frames, or shutters where no substantial change in design or material is proposed.
3. Addition or deletion of storm doors or storm windows and window gardens.
4. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street.
5. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds, and the like which will not substantially affect the character of the property and its surroundings.
6. Minor additions or deletions to the structure which will not substantially change the architectural character of the structure or which are generally hidden from public view.
7. Construction of accessory buildings and structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.
8. Construction of off-street loading areas and off-street parking areas containing five (5) spaces or less in a commercial or Central Business District.
9. Creation of outside storage in a commercial or Central Business District which does not require structural changes or major grading.

Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Architectural Review Board in any case where in his opinion the action may have an adverse effect on the Historic District or may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

22-4.2 New Construction, Reconstruction, and Substantial Exterior Alteration. Except as herein provided no building or structure, including signs, shall be refaced, erected,

reconstructed, restored, or substantially altered in exterior appearance within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Architectural Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.

"Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein and other than the following general examples:

General examples of "nonsubstantial" alterations:

- A. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
- B. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.

Specific examples of work not constituting "substantial alteration" include:

- A. Those minor actions exempted from review by Section 22-4.1.

General examples of work constituting "substantial alterations" include:

- A. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic District adjacent to a designated landmark site.
- B. Any addition to or alteration of a structure which increases the square footage of the structure or otherwise alters substantially its size, height, contour, or outline.
- C. Any change or alteration of the exterior architectural style of a contributing or landmark structure, including removal or rebuilding of porches, openings, dormers, window sash, chimneys, columns, structural elements, stairways, terraces, and the like.

- D. Addition or removal of one (1) or more stories or alteration of a roof line.
- E. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half (3.5) feet in height.
- F. All signs on all structures shall be reviewed. Canopies or awnings with the business name or logo upon it are considered signs and shall be reviewed.
- G. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the historic district.
- H. Erection of awnings, canopies, and similar appurtenances shall be reviewed.
- I. Placement of window air conditioners on the front of commercial buildings only shall be reviewed. Central air conditioning units on residential and commercial buildings shall be reviewed. Placement of exhaust fans shall be reviewed.

In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Planning Director shall be contacted for an interpretation prior to commencement of work.

22-4.3 Matters to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board. The Architectural Review Board shall not consider interior arrangement and shall not make any requirements except for the purpose of preventing construction, reconstruction, exterior alteration, repair, or restoration not compatible with the old and historic aspect of the surroundings.

The Architectural Review Board shall consider the following in reviewing the appropriateness of architectural features:

- 1. Exterior architectural features including all signs except for those exempted in Section 22-4.1.
- 2. General design, scale, and arrangement.

3. Texture, material, and color of new construction.
4. The relation of features 1, 2, and 3 above, to similar features of buildings and structures in the immediate surroundings.
5. The extent to which the building or structure would be harmonious with or incompatible with the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

22-4.4 Demolition. No building or structure officially designated as a landmark or a contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be demolished until a Certificate of Appropriateness is issued by the Architectural Review Board, with right of direct appeal from an adverse decision to the Town Council, as hereinafter provided. An appeal for final decision by the Town Council shall be automatic and mandatory in the case of approval of the demolition of a building or structure so designated as a landmark. The Zoning Administrator may approve the demolition of a building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

22-4.5 Moving or Relocation. No building or structure officially designated as a landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the Architectural Review Board and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Town Council as herein provided. An appeal for final decision by the Town Council shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

22-4.6 Matters to be Considered in Determining the Appropriateness of Moving or Relocating a Landmark Building or Structure within a Historic District.

1. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.
2. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the districts.
3. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the landmark, building, or contributing structure.
4. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.

22-4.7 Matters to be Considered in Determining Whether or Not to Grant a Certificate of Appropriateness for Razing or Demolition. The Architectural Review Board shall consider the following criteria in determining whether or not to grant a certificate of appropriateness for razing or demolition:

1. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
2. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
3. Whether or not the building is of such old and unusual or uncommon design, texture, and/or material that it could be reproduced only with great difficulty and/or expense.
4. Whether or not retention of the building or structure would help to preserve and protect a historic place or area of historic interest in the Town.

22-4.8 Offer for Sale. However, the owner of a historic landmark, as a matter of right shall be entitled to raze or demolish such landmark provided that:

1. He has applied to the Architectural Review Board for such right.

2. The owner has for the period of time set forth in the time schedule hereinafter contained at a price reasonably related to its fair market value as determined by independent appraisal, as hereinafter set forth, made a bona fide offer to sell such landmark, and the land pertaining thereto, to such person, firm, corporation, government, or agency, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, and the land pertaining thereto. The procedure for establishing the fair market value, unless the owner and the Architectural Review Board agree upon the said value, shall be that the owner and Architectural Review Board shall each retain one independent, qualified appraiser, and should the two appraisers not agree upon the said fair market value, those appraisers shall choose a third qualified appraiser. A median value shall be established by the three appraisers which shall be final and binding upon the owner and the Architectural Review Board.
3. No contract for the sale of any such historic landmark, and the land pertaining thereto, shall be binding or enforceable prior to the expiration of the applicable time period as set forth in the time schedule hereinafter contained. Any appeal which may be taken to the Town Council from the decision of the Architectural Review Board, and from the Town Council to the Circuit Court of Fauquier County, shall not affect the right of the owner to make bona fide offer to sell. Offers to sell as provided in this section shall be made within one (1) year of the date of application to the Architectural Review Board.
4. Notice. Before making a bona fide offer to sell, an owner shall first file a written statement with the Chairman of the Architectural Review Board. Such statement shall identify the property, state the offering price, the date the offer of sale is to begin, and name of the real estate agent, if any. No time period set forth in the time schedule hereinafter set forth shall begin to run until such statement has been filed.

The time schedule for offers to sell shall be as follows:

1. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000);
2. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000);

3. Five (5) months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000);
4. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000);
5. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000);
6. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000) or more.

22-4.9 Hazardous Buildings or Structures. Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Architectural Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable Town ordinances. However, such razing or demolition shall not be commenced without written approval of the Town Engineer verifying the conditions necessitating such action.

22-4.10 Demolition by Neglect. No officially designated historic landmark, building, or structure within any historic district shall be allowed to deteriorate due to neglect by the owner which would result in violation of this section. "Demolition by neglect" shall include any one (1) or more of the following courses of action or inaction:

1. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.
2. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, and exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.
3. Action by any Town or State authority relative to the safety or physical condition of any building.

In the event that the Town Engineer determines that a structure in a historic district is being "demolished by neglect", he shall so notify the owner and the Chairman of the Architectural Review Board of this conclusion, stating the reasons therefore, and shall give the owner thirty (30) days from the date of the notice in which to commence work rectifying the specifics provided in the notice, or to initiate proceedings as provided in Section 22-4.4 or 22-4.5 above. If appropriate action is not taken in this time, the Town Engineer will initiate appropriate legal action as provided herein.

22-4.11 Uses Permitted. Within the Historic District, all uses shall be permitted pursuant to the official zoning ordinance and map. General regulations shall be the same as provided within the respective zoning districts except where such regulations are modified or amended as set forth in this Article.

22-4.12 Lot Regulations. Lots or portions of lots existing in historic districts may be combined, but no existing lot, or combination of lots, parcels, or portions thereof, in single ownership at the time of district creation, shall be reduced in width, depth, or area except in conformance with the provisions of the Subdivision and Zoning Ordinance.

22-4.13 Height Regulations. Height regulations shall be in accord with those governing the permitted use within the Zoning District.

22-4.14 Off-Street Parking. Off-street parking regulations shall be in accordance with those governing the permitted use except that no required off-street parking or loading space shall be located in any required front yard. It is the intent of this regulation to permit off-site parking where on-site parking would have an adverse effect on appearance of the property or the district in general. It is also intended to encourage provision of such off-site parking in grouped facilities in interior parking lots, courts, anonymous structures, or at other appropriate locations which will be convenient with pedestrians and vehicular traffic, and generally promote public safety.

22-4.15 Signs, Exterior Illumination. Within the Historic District only those signs provided in the Zoning District shall be permitted. No sign permitted by the Zoning Ordinance shall be permitted if the Architectural Review Board finds such sign or exterior illumination to be architecturally incompatible with the historical and/or architectural character of the landmark or district.

22-4.16 Exceptions. Where the strict interpretation of this article contradicts existing building, sanitary, or other codes, the Architectural Review Board shall make recommendations for reasonably exemptive relief after consultation with qualified technical authorities or with any appeal board now or hereafter established by code. In other cases of conflict between this and other regulations, the more strict between the two shall apply.

22-5 Administration

22-5.1 Zoning Administrator. Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition, or razing of a building or structure, or for a sign in the Historic District until the same has been approved by the Architectural Review Board as set forth in the following procedures.

22-5.2 Receipt of Application. Upon receipt of an application by the Planning Director for each permit in the historic district, the Planning Director shall:

1. Forthwith forward to the Architectural Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant;
2. Maintain in his office a record of all such applications and of his handling and final disposition of the same; and
3. Require applicants to submit seven (7) copies of material required to permit compliance with the foregoing.

22-5.3 Material to be Submitted for Review. By general rule, or by specific request in a particular case, the Architectural Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in

historic districts shall be accepted only from the record owner of the land involved in such proposal, or his agent.

For minor actions not required to be reviewed by the Architectural Review Board and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the Town to determine if the proposed action is exempt from review by the Architectural Review Board. Should the proposed action not be capable of adequate description on the application form, the Zoning Administrator may require additional information, including photographs, sketches, and samples of materials or such other information as may be required for a decision.

22-5.4 Other Approvals Required. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Architectural Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Architectural Review Board. Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval. Preliminary subdivision plats shall be reviewed and commented upon by the Architectural Review Board prior to final action by the Planning Commission.

22-5.5 Action by the Architectural Review Board, Issuance of Certificates of Appropriateness. The Architectural Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within sixty (60) days after the filing of such application; failure of the Architectural Review Board to render such a decision within said sixty (60) day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Architectural Review Board had granted the Certificate of Appropriateness applied for. Prior to denying the Certificate of Appropriateness, the Architectural Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Architectural Review Board may issue the Certificate of Appropriateness.

22-5.6 Expiration of Certificates of Appropriateness and Permits to Raze. Any Certificate of Appropriateness issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

22-5.7 Appeals from Architectural Review Board to Town Council. Whenever the Architectural Review Board shall, in a final decision, disapprove an application for a Certificate of Appropriateness, or whenever the Architectural Review Board shall, in a final decision, disapprove an application for a Certificate of Appropriateness to raze a building, the applicant for such certificate shall have the right to appeal to and be heard before the Town Council, provided that he files with the Town Recorder, within thirty (30) days after the decision of the Board, a notice in writing of his intention to appeal. Upon receipt of such notice, the Town Recorder shall forthwith notify the Town Manager, who shall schedule a public hearing before the Town Council pursuant to a public notice as required by Section 15.1-431 of the Code of Virginia. Each such notice shall be accompanied by a check or money order to cover the fee adopted by Town Council to cover the costs of such notice.

Whenever the Architectural Review Board shall, in a final decision, approve an application for a Certificate of Appropriateness, or whenever the Architectural Review Board shall, in a final decision, approve an application for a permit to raze a building, opponents to the granting of such certificate or of such permit shall have the right to appeal to and be heard before the Town Council; provided, that such appeal is filed within thirty (30) days after the decision of the board. Upon receipt of such notice, the Town Recorder shall forthwith notify the Town Manager, who shall schedule a public hearing before the Town Council pursuant to a public notice as required by Section 15.1-431 of the Code of Virginia. Each such notice shall be accompanied by a check or money order to cover the fee adopted by Town Council to cover the costs of such notice.

On any such appeal, the final decision of the Architectural Review Board appealed from shall be stayed pending the outcome of the appeal before the

Council. The Council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same standards shall be applied by the Council as are established for the Architectural Review Board. The council may affirm, reverse, or modify the decision of the Board, in whole or in part except that the filing of such petition shall not stay the decision of the ARB, if the decision denies the right to raze or demolish a historic landmark, or contributing structure. The decision of the Council shall be final, subject to appeal to a Court of record.

22-6 Appeal to the Courts

Any applicant who previously appealed to the Town Council aggrieved by the final decision of the Town Council may appeal such decision to the Circuit Court of Fauquier County for review by filing a petition at law setting forth the alleged illegality of the action of the Town Council provided such petition is filed within thirty (30) days after the final decision of the Town Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Town Council, if the decision denies the right to raze or demolish a historic landmark, or contributing structure. The Court may reverse or modify the decision of the Town Council, in whole or in part, if it finds upon review that the decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

22-7 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance.

22-7.1 Definitions

1. Alteration is any change, modification, or addition to a part of or all of the exterior of any building or structure.
2. Building is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.
3. Building Official is that person appointed by the Town Manager as the individual who issues the permit for the construction, alteration,

reconstruction, repair, restoration, demolition, or razing of all or part of any building.

4. Building Permit is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.
5. Contributing Properties are properties so designated on the inventory map of landmarks and contributing properties which is adopted as a part of this Ordinance, being generally those properties which by reason of form, materials, architectural details, and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located but which by reason of recent age, lack of historic significance, or other factors are not designated as historic landmarks under the criteria of this Ordinance.
6. Certificate of Appropriateness is the approval statement signed by the Chairman of the Architectural Review Board which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building within a historic district, subject to the issuance of all other regional permits needed for the matter sought to be accomplished.
7. Demolition is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

8. Historic District means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
9. Historic Landmark is defined as any building or place listed in the National Register of Historic Places, or in the Virginia Landmarks Register, or any building or place officially designated as a landmark structure or place by the Town of Warrenton on the inventory map which is adopted as a part of this Ordinance.
10. Reconstruction is any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.
11. Repairs are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.
12. Restoration is any or all work connected with the returning to or restoring of a building, or a part of any building, to its original condition through the use of original or nearly original materials.